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Approved For Release 2002/05/07 : CIA-RDP85-00988R000400110010-6

24 FEB 1978

MEMORANDUM FOR: General Counsel

VIA: Deputy Director for Administration

FROM: James H. McDonald
Director of Logistics

SUBJECT: Procedures for CIA's Undisclosed Participation
in Domestic Organizations (U)

REFERENCE: Mtple Adrse memo dtd 17 Feb 78 fr GC, same
subject (OGC 78-1017; DD/A 78-0678; OL 8 0718)

1. (U) The referent memorandum requests information on circumstances in which Agency employees should be allowed to participate in domestic organizations on an undisclosed basis. Undisclosed is further qualified to mean without disclosure of Agency affiliation to appropriate officials of the domestic organization.

2. (U) These comments, submitted for your consideration in developing a draft on procedures, are based on interpretation of the intent of Section 2-207 of Executive Order 12036, whereby the purpose of joining or participating in an organization is to collect intelligence or to influence the activities of the organization.

3. (C) Based on that interpretation, there are no circumstances under which there is an undisclosed Agency affiliation. There are, however, situations in which Office of Logistics (OL) employees under official cover participate in trade and professional associations and attend training activities as undisclosed members--both of these situations relate to either career development or to keeping pace with the state of the art. In some circumstances, the employees are acting on behalf of the Agency (attendance at seminars, reimbursement of dues, etc.), while in others, the participation may be self-sponsored. In both of these cases, there is undisclosed participation under the requirements of official cover.

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5. (C) Maintaining business contacts with domestic organizations is not addressed in this paper since interpretation of Section 2-207 implies an element of "joining" and "collecting." As you are aware, OL makes hundreds of contacts involving proprietaries, procurement actions, and contract negotiations--all of which are done in support of intelligence operations and most of which are done through covert channels with undisclosed affiliation.

6. (U) I appreciate the opportunity to comment on this portion of the Executive Order and look forward to a review of the forthcoming draft paper.

James H. McDonald

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cc: DDA

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AEO/OL: [] (24 Feb 78)

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